



COUNTY OF LOS ANGELES
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March 24, 2009

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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

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APRIL 7, 2009

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel


SACHI A. HAMAI
EXECUTIVE OFFICER

RE: Trinidad Benavides and Petra Benavides v. County of
Los Angeles
Los Angeles Superior Court Case No. TC 021 986

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Trinidad Benavides and Petra Benavides v. County of Los Angeles – Los Angeles Superior Court Case No. TC 021 986, in the amount of \$525,000, plus assumption of any Medi-Cal lien and waiver of any related County hospital medical bills, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical negligence lawsuit arises from treatment received by a patient at Harbor/UCLA Medical Center.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Trinidad Benavides and Petra Benavides v. County of Los Angeles
CASE NUMBER	TC 021986
COURT	Los Angeles Superior Court South Central District
DATE FILED	June 6, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$525,000, plus assumption of any Medi-Cal lien
ATTORNEY FOR PLAINTIFF	Peter McNulty, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian, Esq.
NATURE OF CASE	<p>This is a medical malpractice case brought by Trinidad Benavides and his wife, Petra Benavides, related to the care and treatment he received at Harbor/UCLA Medical Center ("HUMC").</p> <p>On October 16, 2007, Mr. Benavides was seen at HUMC for prostate needle biopsy to rule out prostate cancer. The pathology report from this procedure indicated that Mr. Benavides had prostate cancer.</p> <p>On January 15, 2008, Mr. Benavides was seen in the outpatient clinic at HUMC, where</p>

his diagnosis was discussed along with other medical options besides surgery. Mr. Benavides decided to go forward with prostate surgery and signed a consent to removal of the prostate and lymph nodes. Surgery was performed on January 28, 2008. Mr. Benavides was discharged on January 30, 2008.

On February 21, 2008, he was seen in follow-up. At that time, he was told that a mistake had been made, that his slides were mixed with those of another patient, and that he did not need surgery, because he did not have prostate cancer.

Both Trinidad Benavides and Petra Benavides, brought a lawsuit against the County of Los Angeles, contending that HUMC failed to provide proper medical care.

This lawsuit against the County of Los Angeles is a case of liability. The Department of Health Services agrees to the proposed settlement of this case in the amount of \$525,000, plus assumption of the Medi-Cal lien and waiver of any related outstanding hospital bills.

PAID ATTORNEY FEES, TO DATE

\$31,025.64

PAID COSTS, TO DATE

\$3,583.49



Summary Corrective Action Plan

Date of incident/event:	October 16, 2007
Briefly provide a description of the incident/event:	On October 16, 2007, Trinidad Benavides was referred by a County clinic to Harbor/UCLA Medical Center for biopsy of the prostate to rule out prostate cancer. The pathology report from this procedure indicated that Mr. Benavides had prostate cancer, which was an error. On January 15, 2008, Mr. Benavides was seen in the outpatient clinic at HUMC where his diagnosis was discussed along with other medical options besides surgery. Mr. Benavides decided to go forward with prostate surgery and signed consent for removal of the prostate and lymph nodes. On January 28, 2008, surgery was performed. On February 21, 2008, he was seen for follow up. At that time he was told that a mistake had been made, that his slides were mixed with those of another patient, and that he did not need surgery because he did not have prostate cancer.

1. Briefly describe the root cause of the claim/lawsuit:

- Mislabeling of prostate pathology slide

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- Appropriate personnel corrective actions were done
- A system wide audit was done to determine the processes for handling anatomic pathology specimens. All DHS hospitals have appropriate policies/procedures in place to handle pathology specimens.
- The pathology policy was changed to include specific handling of specimens by facility employees and was included for pathology department's policies system-wide.

3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) <i>K. McKertue</i>	Date: <i>3/2/09</i>
Signature: (Interim Chief Medical Officer) <i>R. Splawig</i>	Date: <i>3/2/09</i>
Signature: (Interim Director) <i>W. J. [Signature]</i>	Date: <i>3-4-09</i>